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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. 3:10-cv-03561 WHA

**DECLARATION OF MARK H. FRANCIS
IN SUPPORT OF DEFENDANT GOOGLE
INC.S' MOTION TO STRIKE PORTIONS
OF THE MITCHELL PATENT REPORT**

Date: September 29, 2011
Time: 8:00 a.m.
Courtroom: 9, 19th Floor
Judge: The Honorable William Alsup

Trial Date: October 31, 2011

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2 I, MARK H. FRANCIS, declare as follows:

3 1. I am an associate in the law firm of King & Spalding LLP, counsel for defendant
4 Google Inc. ("Google") in this case. I submit this declaration in support of Google's Notice of
5 Motion and Motion To Strike Portions of Mitchell Patent Report. I make this declaration based
6 on my own personal knowledge. If called as a witness, I could and would testify competently to
7 the matters set forth herein.

8 2. Attached to this declaration as Exhibit A is a true and correct copy of the cover
9 page, a portion of page 64, pages 81-132, 196-218 and 384 from the August 8, 2011 *Opening*
10 *Expert Report of John C. Mitchell Regarding Patent Infringement Submitted on Behalf of*
11 *Plaintiff Oracle America, Inc.* A confidentiality designation has been removed from the cover
12 page because confidential information is not included in the excerpts included in Exhibit A.

13 3. Attached to this declaration as Exhibit B is a true and correct copy of U.S. Patent
14 No. RE 38,104 ("the '104 patent").

15 4. Attached to this declaration as Exhibit C is a true and correct copy of pages 14-67
16 from the infringement claim chart on the '104 patent, which was attached as Exhibit A to
17 Oracle's Second Supplemental Patent Local Rule 3-1 Disclosure of Asserted Claims and
18 Infringement Contentions, served on April 1, 2011.

19 5. Attached to this declaration as Exhibit D is a true and correct copy of U.S. Patent
20 No. 5,966,702 ("the '702 patent")

21 6. Attached to this declaration as Exhibit E is a true and correct copy of pages 13-17
22 from infringement claim chart on the '702 patent, which was attached as Exhibit C to Oracle's
23 Second Supplemental Patent Local Rule 3-1 Disclosure of Asserted Claims and Infringement
24 Contentions, served on April 1, 2011.

25 7. Attached to this declaration as Exhibit F is a true and correct copy of the first
26 three pages of Oracle's Second Supplemental Patent Local Rule 3-1 Disclosure of Asserted
27 Claims and Infringement Contentions, served on April 1, 2011.
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2 I declare under penalty of perjury that all the foregoing facts are true and correct and that
3 this declaration was executed on September 8, 2011 in New York, New York.

4 /s/ Mark H. Francis /s/

5 Mark H. Francis

6 I hereby attest that Mark H. Francis concurs in the e-filing of this document.

7 /s/ Cheryl Sabnis /s/

8 Cheryl Sabnis
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